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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,816	12/16/2003	Jun Fujimoto	402914/SOEI	2882
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EXAMINER PLUCINSKI, JAMESUE A				
ART UNIT		PAPER NUMBER		
3629				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/735,816

**Applicant(s)**

FUJIMOTO, JUN

**Examiner**

JAMISUE A. PLUCINSKI

**Art Unit**

3629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/12/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung (US 2001/0034623) in view of Ulrich et al. (6,825,763).

5. With respect to Claim 25: Chung discloses the use of a hotel management system comprising a computer network (Paragraph 0024) comprising:

- a. A hotel server (ARM 100, paragraphs 0041-0045) which is capable of managing hotel tasks and recording customer information with card, 300, information);
- b. A house card server (Reference numeral 700 with corresponding detailed description) which is used for payment processing;
- c. A plurality of card terminals (Paragraph 0026 and 0034) for transacting payment; and
- d. A positional information server (reference numeral 800, see paragraphs 0085 and 0086)

6. Chung however discloses the use of a positional information server, which is used to manage employees, however fails to disclose the use of tags with tag IDs, detector with detector IDs, where the detector and tag IDs are transmitted to the positional information server, where the information can be accessed. Ulrich discloses the use of a tag attached to an article or an employee badge with a tag IC and a tag ID (See Abstract and reference numeral 52) a plurality of detectors with a detector ID, See Reference numerals 18 and 32, where the detector transmits the tag ID and the detector ID to a positional management server (10) (Column 4, lines 14-32), where the information that is received from the detector can be searched using local machines (column 8, lines 8-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the hotel management system of Chung to include the

Positional Information Server and Tracking system of Ulrich, in order to allow for the tracking of employees throughout a facility and to prevent users from entering restricted areas (See Ulrich, Abstract and Columns 4 and 8).

7. It should be noted that the claims are drawn to a system, which falls into the statutory category of an apparatus. Apparatus claims are held to the structural limitations as well as the capabilities thereof. So that even though the system of the prior art does not perform the specific limitation, as long as it can be shown that the prior art system is capable of performing the limitations, then the structural limitations are met. Furthermore the claims use the word "for" i.e. a hotel server for managing hotel tasks, this is merely a descriptive limitation of how the server is intended to be used, and as long as the server of the prior art is capable of managing tasks, then the claim limitation has been met. The examiner suggests instead, to use the phrasing "configured to" within the claims to more clearly define that the server is programmed to perform the functions.

8. With respect to Claim 26: Ulrich discloses the use of tags, which are attached to an article or on a badge of an employee, however fails to disclose the tag has a detachable sticker, which the examiner considers to be for attachment. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have the tag include a detachable sticker, because applicant has not disclosed how providing a detachable sticker provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with any kind of attachment, either that of a tag, or of the detachable sticker because both attachment mechanisms perform the same function of attaching a tag to an article.

Therefore, it would have been an obvious matter of design choice to modify Shore to obtain the invention as specified in Claim 26.

9. With respect to Claim 27: See Ulrich, Column 12, lines 55-67, the examiner considers Ulrich to be fully capable of producing movement histories since it is capable of generating reports.

10. With respect to Claim 28: See subareas of Ulrich, Column 3.

11. With respect to Claims 29 and 30: See awareness areas of Ulrich, Column 3, the examiner considers them to be fully capable of defining the areas to be restricted.

12. With respect to Claim 31: See Ulrich, Column 3, lines 35-42.

#### ***Response to Arguments***

13. Applicant's arguments with respect to claims 25-31 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jp

/Jamisue A. Plucinski/  
Primary Examiner, Art Unit 3629